

Black Rock, Sept. 30th 1837.

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Dear Sir,

I had hoped to hear from you before this on the subject of the fugitives, of whom my friend McClintockman has been in pursuit.

On the 14th, 15th & 16th instant Mr. C. was at Lewiston expecting to meet you some where on this side of the river, and waiting, at the same time with his two officers, the reception of the man, Solomon, whom the Sheriff had advised him, he would surrender on board the steam boat at that place, on the 15th. On the 16th, however, he received information from the Sheriff of the rescue of this prisoner, and the ^{startling} ~~alarming~~ circumstances which attended it. Feeling anxious to get home after a journey which had already been so unexpectedly protracted, and seeing no prospect of speedily effecting the object which brought him here, he left this place on the 17th for Kentucky - at the same time, requesting Mr. Kelley, to write to you & the Sheriff, advising you of his departure, & requesting you to inform me, from time to time, of the situation & probable result of his matters in Canada, about which he, & his neighbours in Kentucky, feel much solicitude.

As regards the value of the three negroes (supposing them to be slaves) or of the plunder they took with them, it is but of trifling moment. But the whole transaction, viewed in its various aspects & consequences, involves considerations of immense importance to the slave-holding States - and, in my humble opinion, not less important to the peace & security of Canada itself. I beg leave, therefore to present a few reflections on the subject - not with a view to having them made public, although I should have no objections to their being read by your worthy Attorney General.

McClintockman showed me a copy of the opinion given to the Governor by his Executive Council in the case of which I confess I read with some surprise as well as regret. It is certainly a well written document, & does credit to the philanthropy of its authors - But it encourages, if it does not positively uphold, principles that as, jurists & Statesmen (in which characters their opinion & advice to the Governor are given) they will find it inexpedient, if not wholly impracticable to carry out.

It seems that our two governments have agreed, as a measure of mutual safety, to deliver up to each other, all such persons as commit felonies in the territories of one & seek refuge in those of the other - and the practical mode of carrying this arrangement into effect on your part is indicated in a provincial statute passed some years since, which I have read, but of which I regret that I have not at present a copy.

Although the power conferred by that Statute on the Governor & Council to surrender up fugitives, is made discretionary, this discretion was doubtless intended to apply to circumstances having a direct relation to the offence ^{itself} alleged to have been committed, and not to do an ad libitum authority to defeat the plain object & intents of the law — such as the sufficiency or insufficiency, formality or informality of the evidence adduced to show the commission of the crime — but surely could not have been intended to give them an ad libitum authority to execute the law or not in a case coming clearly within its scope & ^{intent} provisions, merely because the ^{laws} precedents of the country in which the crime was committed did not, in some, other respects than those to which this Statute relates, conform to their sense of moral fitness & propriety.

It is true that in case the Council predicate their advice, to retain the prisoner & not deliver him up for the present, principally on the alleged defect of the evidence of the felony, or rather (if I recollect right, for I had but a hasty glance at the paper) upon some informality in the train of proof, which I understand has been since supplied by Mr. Lenthorn. But it is obvious from the whole tenour of their remarks, that their opinion was, more or less, biased, by the approved fact that Mosby was a slave, & would if delivered up, be returned to that condition.

I suspect the members of your Council for their humanity. I am as much opposed to slavery in the abstract as they are; But I apprehend that if your Colonial Government undertakes to practice upon the principle of receiving & protecting runaway-slaves, whether felons or not, it will soon lead to consequences which it is equally the interest of the two governments to avert.

The Inhabitants of our Northern States have as strong an aversion to slavery as the people of England, ^{or Canada} and have long since abolished it within their respective territories (as they were enabled to do with safety by reason of the small proportion of coloured population among them) abolished it. But it is otherwise with the people of the Southern States — some of whom are believers in its justice & propriety, and, all of them, in the utter impracticability of a general emancipation of their slaves, without producing a state of society in which a moral and correct government could sustain itself.

You know something of the licentious, frivolous, improvident, reckless — & in extremes, desperate

character of the African Race — If you do not, the people of your
Province seem in a fair way to become thoroughly & permanently
acquainted with them in the course of a few years. 114
The free negroes in the U. States are decidedly, as a body, the
most unprincipled, turbulent & worthless part of our population,
and we are making, as you must have perceived,
great efforts, & at great expense, to remove them back to
Africa, & to provide for them all the advantages of freedom
& independence which they are capable of enjoying. But
no owner of slaves in the Southern States, however he may
be disposed to emancipate them, dares do so, but upon
the express condition of their removal from the country.
I was once the owner, myself, of some 25 slaves, as
part of the paternal estate of my wife whom I married
in Kentucky. We felt no disposition to retain, much less
to sell, them as slaves, and we made an offer of all of them
who chose to embrace it, to give them their freedom, on
condition of their going to Liberia. We deemed it unkind
to turn them loose upon the people of Kentucky; and we
could not bring them with us to New York, with the exception
of those who were born subsequently to a specified period;
and then might, by a special provision in our laws, be
introduced into the State, and held to service as indentured apprentices,
until they should respectively arrive at the age of 28 years —
& then become free. Under this law I brought in 6 or 7
young negroes of both sexes, who were useful servants
for a time, & until they were fastened upon by the
emancipators & free blacks of Buffalo & Canada, by whom
they, with the exception of two who served out their term, were
persuaded to flee across the river. There are now three or four
of them in your Province, who have become, I am told, as
worthless as this species of population generally is —
but I have never made any efforts to recover them.

It would seem that, by the laws of your Province,
not only
you cannot deliver up slaves (on the ground that they are such)
who take refuge in your territories, but that you cannot
even exclude them, prevent them from entering the Province
& becoming good legal subjects. Such being the case I am
not a little surprised to find a disposition among any
of your white population, to extend this immunity; and
to count the introduction even of felons, because
they are slaves. Slavery is not tolerated by the laws
of any of our Northern States — and yet we deliver
up runaway slaves to their Southern masters — not because
we approve of slavery, but because we believe that the
sudden overthrow of this institution, entailed upon them
by our British ancestors, would at once prostrate

